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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,511	04/01/2004	Doree Duncan Seligmann	630-067US	8627
47912	7590	11/24/2009		
Avaya DEMONT & BREYER, LLC 100 COMMONS WAY, STE 250 HOLMDEL, NJ 07733			EXAMINER KAMPURIA, SHARAD K	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 11/24/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@dblaw.com

### Office Action Summary

**Application No.**

10/816,511

**Applicant(s)**

SELIGMANN, DOREE DUNCAN

**Examiner**

SHARAD RAMPURIA

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6, 8, 9, 14-22, 36-44 and 64-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 8, 9, 14-22, 36-44 and 64-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6, 8-9, 14-22, 36-44, and 64-75 are rejected under 35 U.S.C. 102 (e) as being anticipated by **Beamish; Norman J. et al.** [US 6694143 B1].

As per claims 1, 14, 36, 64, 71, **Beamish** teaches:

A method (Abstract) comprising:

Receiving a user input at a mobile telecommunications terminal, wherein said user input is for executing a command that reads the value of a datum, (e.g. For example, the local wireless communication system infrastructure in an airplane may send a command to all cell phones within its range to turn off at the time the airplane leaves the gate. As another example, a local wireless communication system infrastructure in a concert hall may send a command to change a cell phone from ringing mode to vibrate mode during a concert. The command may be any kind of command. The command can change any operating characteristic or function of the communication device, or cause the communication device to execute any set of instructions;

Col.2; 22-49, Col.6; 51-Col.7; 10 *furthermore* FIG. 5 illustrates a flowchart of an example software program used in a communication device. A communication device may receive queries and/or commands. If a query is received, the device may respond to it. If it receives a command in step 100, **the communication device determines whether it should ignore or execute the command in step 102. For example, the communication device may know which types of local wireless communication systems that it will obey and which it will not. If the command is to be executed, the communication device optionally informs the local wireless communication system (step 104) and executes the command (step 108). If the command is not to be executed, the communication device may optionally inform the local wireless communication system (step 106).**" Col.7; 10-23) and

Determining whether to execute said command based on said geo-location of said mobile telecommunications terminal and on said value. (e.g. The command can change any operating characteristic or function of the communication device, or cause the communication device to execute any set of instructions. For instance, the command can change any human perceptible indicator in the communication device such as the display, light, audible signal generator, vibrator and the like. The command may also optionally give the communication device the continued ability to communicate and interact with other communication networks. For instance, a local wireless communication system infrastructure in a concert hall may cause all cell phones and pagers to switch from ringing mode to vibrate mode from 7:30 p.m. to 10 p.m. when a concert is in session. As a result, the cell phones and pagers can still communicate with their own communication networks to receive calls and pages, but an operating characteristic of the cell phones and pagers has been altered; Col.2; 22-49, Col.6; 51-Col.7; 10).

As per claims 2, 15, 37, 18, 40, 72, Beamish teaches:

The method of claims 1, wherein the determination whether to execute said command is also based on the identity of the user of said mobile telecommunications terminal. (e.g. a device's identity; Col.4; 14-30)

As per claims 3, 16, 38, 66, 70, 73, Beamish teaches:

The method of claims 1, wherein the determination whether to execute said command also based on the calendrical time at said mobile telecommunications terminal. (e.g. the time window; Col.2; 22-49, Col.6; 51-Col.7; 10)

As per claims 6, 68, 75, Beamish teaches the method of claims 1, wherein said perimeter is based on an argument of said command. (e.g. the airport or concert hall; Col.2; 22-49, Col.6; 51-Col.7; 10)

As per claims 8, 17, 20, 39, 41-42, 69, Beamish teaches:

The method of claims 1, 48, 58, wherein said command comprises reading a value associated with a descriptor, and wherein said perimeter is based on the geo-location at which said value is stored. (e.g. the airport or concert hall; Col.2; 22-49, Col.6; 51-Col.7; 10)

As per claims 9, 19, Beamish teaches:

The method of claims 1, wherein said command comprises reading a value associated with a descriptor, and wherein said perimeter is based on said descriptor. (e.g. the airport or concert hall; Col.2; 22-49, Col.6; 51-Col.7; 10)

As per claim 21, 43, Beamish teaches:

The method of claims 14, 36, wherein a first version of said content is associated with a first medium, and wherein a second version of said content is associated with a second medium. (e.g. the area of airport or concert hall; Col.2; 22-49, Col.6; 51-Col.7; 10)

As per claims 22, 44, Beamish teaches:

The method of claims 14, 36, wherein a first version of said content is associated with a first authorization category, and wherein a second version of said content is associated with a second authorization category. (e.g. access at the airport or concert hall; Col.2; 22-49, Col.6; 51-Col.7; 10)

As per claim 67, Beamish teaches the method of claims 64, wherein said perimeter is based on the nature of said command. (e.g. the airport or concert hall; Col.2; 22-49, Col.6; 51-Col.7; 10)

***Response to Amendments & Remarks***

Applicant's arguments filed on 09/28/2009 have been fully considered but they are not persuasive.

***Relating to Claim 1:***

In view of the fact, that **BEAMISH** teaches, "FIG. 5 illustrates a flowchart of an example software program used in a communication device. A communication device may receive queries and/or commands. If a query is received, the device may respond to it. If it receives a command in step 100, **the communication device determines whether it should ignore or execute the command in step 102. For example, the communication device may know which types of local wireless communication systems that it will obey and which it will not. If the command is to be executed, the communication device optionally informs the local wireless communication system (step 104) and executes the command (step 108). If the command is not to be executed, the communication device may optionally inform the local wireless communication system (step 106).**" (Beamish, Col.7; 10-23). Thus, it is evidently, the explanations above are directed to telecommunications systems and methods for executing the command based on user's determination on the mobile that positively, anticipated by **BEAMISH**. Hence, it is believed that **BEAMISH** still teaches the claimed limitations.

The above arguments also recites for the other independent claims, consequently the response is the same explanation as set forth above with regard to claim 1.

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, as a result the response is the same justification as set forth above.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sharad Rampuria/  
Primary Examiner  
Art Unit 2617